

1 AN ACT respecting schools.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing  
5 Sections 10-22.6 and 34-19 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of pupils; school  
8 searches.

9 (a) To expel pupils guilty of gross disobedience or  
10 misconduct, and no action shall lie against them for such  
11 expulsion. A pupil may be expelled for up to one year if he  
12 or she commits any of the following offenses on school  
13 property, at a school-sponsored activity or event, or at an  
14 activity or event that bears a reasonable relationship to  
15 school:

16 (1) Intimidation under Section 12-6 of the Criminal  
17 Code of 1961.

18 (2) Aggravated intimidation under Section 12-6.2 of  
19 the Criminal Code of 1961.

20 (3) Aggravated battery under Section 12-4 of the  
21 Criminal Code of 1961.

22 (4) Criminal sexual assault under Section 12-13 of  
23 the Criminal Code of 1961.

24 (5) Aggravated criminal sexual assault under  
25 Section 12-14 of the Criminal Code of 1961.

26 (6) Predatory criminal sexual assault of a child  
27 under Section 12-14.1 of the Criminal Code of 1961.

28 (7) Criminal sexual abuse under Section 12-15 of  
29 the Criminal Code of 1961.

30 (8) Aggravated criminal sexual abuse under Section  
31 12-16 of the Criminal Code of 1961.

1           (9) Theft, including obtaining control over stolen  
2 property, under Section 16-1 of the Criminal Code of  
3 1961.

4           (10) Burglary under Section 19-1 of the Criminal  
5 Code of 1961.

6           (11) Arson under Section 20-1 of the Criminal Code  
7 of 1961.

8           (12) Aggravated arson under Section 20-1.1 of the  
9 Criminal Code of 1961.

10           (13) Possession of explosives or explosive or  
11 incendiary devices under Section 20-2 of the Criminal  
12 Code of 1961.

13           (14) Criminal defacement of property under Section  
14 21-1.3 of the Criminal Code of 1961 if damage to the  
15 property exceeds \$5,000.

16           (15) Criminal damage to government supported  
17 property under Section 21-4 of the Criminal Code of 1961  
18 if damage to the property exceeds \$5,000.

19           (16) Unlawful delivery, use, or consumption of  
20 cannabis listed in the Cannabis Control Act, a controlled  
21 substance listed in the Illinois Controlled Substances  
22 Act, or an intoxicating compound listed in the Use of  
23 Intoxicating Compounds Act.

24           (17) Any offense specified under the Fireworks Use  
25 Act.

26           Expulsion shall take place only after the parents have  
27 been requested to appear at a meeting of the board, or with a  
28 hearing officer appointed by it, to discuss their child's  
29 behavior. Such request shall be made by registered or  
30 certified mail and shall state the time, place and purpose of  
31 the meeting. The board, or a hearing officer appointed by it,  
32 at such meeting shall state the reasons for dismissal and the  
33 date on which the expulsion is to become effective. If a  
34 hearing officer is appointed by the board he shall report to

1 the board a written summary of the evidence heard at the  
2 meeting and the board may take such action thereon as it  
3 finds appropriate.

4 (b) To suspend or by regulation to authorize the  
5 superintendent of the district or the principal, assistant  
6 principal, or dean of students of any school to suspend  
7 pupils guilty of gross disobedience or misconduct, or to  
8 suspend pupils guilty of gross disobedience or misconduct on  
9 the school bus from riding the school bus, and no action  
10 shall lie against them for such suspension. The board may by  
11 regulation authorize the superintendent of the district or  
12 the principal, assistant principal, or dean of students of  
13 any school to suspend pupils guilty of such acts for a period  
14 not to exceed 10 school days. If a pupil is suspended due to  
15 gross disobedience or misconduct on a school bus, the board  
16 may suspend the pupil in excess of 10 school days for safety  
17 reasons. Any suspension shall be reported immediately to the  
18 parents or guardian of such pupil along with a full statement  
19 of the reasons for such suspension and a notice of their  
20 right to a review, a copy of which shall be given to the  
21 school board. Upon request of the parents or guardian the  
22 school board or a hearing officer appointed by it shall  
23 review such action of the superintendent or principal,  
24 assistant principal, or dean of students. At such review the  
25 parents or guardian of the pupil may appear and discuss the  
26 suspension with the board or its hearing officer. If a  
27 hearing officer is appointed by the board he shall report to  
28 the board a written summary of the evidence heard at the  
29 meeting. After its hearing or upon receipt of the written  
30 report of its hearing officer, the board may take such action  
31 as it finds appropriate.

32 (c) The Department of Human Services shall be invited to  
33 send a representative to consult with the board at such  
34 meeting whenever there is evidence that mental illness may be

1 the cause for expulsion or suspension.

2 (d) The board may expel a student for a definite period  
3 of time not to exceed 2 calendar years, as determined on a  
4 case by case basis. A student who is determined to have  
5 brought a weapon to school, any school-sponsored activity or  
6 event, or any activity or event which bears a reasonable  
7 relationship to school shall be expelled for a period of not  
8 less than one year, except that the expulsion period may be  
9 modified by the superintendent, and the superintendent's  
10 determination may be modified by the board on a case by case  
11 basis. For the purpose of this Section, the term "weapon"  
12 means (1) possession, use, control, or transfer of any gun,  
13 rifle, shotgun, weapon as defined by Section 921 of Title 18,  
14 United States Code, firearm as defined in Section 1.1 of the  
15 Firearm Owners Identification Act, or use of a weapon as  
16 defined in Section 24-1 of the Criminal Code of 1961, (2) any  
17 other object if used or attempted to be used to cause bodily  
18 harm, including but not limited to, knives, brass knuckles,  
19 or billy clubs, or (3) "look alike" of any weapon as  
20 defined in this Section. Expulsion or suspension shall be  
21 construed in a manner consistent with the Federal Individuals  
22 with Disabilities Education Act. A student who is subject to  
23 suspension or expulsion as provided in this Section may be  
24 eligible for a transfer to an alternative school program in  
25 accordance with Article 13A of the School Code. The  
26 provisions of this subsection (d) apply in all school  
27 districts, including special charter districts and districts  
28 organized under Article 34.

29 (e) To maintain order and security in the schools,  
30 school authorities may inspect and search places and areas  
31 such as lockers, desks, parking lots, and other school  
32 property and equipment owned or controlled by the school, as  
33 well as personal effects left in those places and areas by  
34 students, without notice to or the consent of the student,

1 and without a search warrant. As a matter of public policy,  
2 the General Assembly finds that students have no reasonable  
3 expectation of privacy in these places and areas or in their  
4 personal effects left in these places and areas. School  
5 authorities may request the assistance of law enforcement  
6 officials for the purpose of conducting inspections and  
7 searches of lockers, desks, parking lots, and other school  
8 property and equipment owned or controlled by the school for  
9 illegal drugs, weapons, or other illegal or dangerous  
10 substances or materials, including searches conducted through  
11 the use of specially trained dogs. If a search conducted in  
12 accordance with this Section produces evidence that the  
13 student has violated or is violating either the law, local  
14 ordinance, or the school's policies or rules, such evidence  
15 may be seized by school authorities, and disciplinary action  
16 may be taken. School authorities may also turn over such  
17 evidence to law enforcement authorities. The provisions of  
18 this subsection (e) apply in all school districts, including  
19 special charter districts and districts organized under  
20 Article 34.

21 (f) Suspension or expulsion may include suspension or  
22 expulsion from school and all school activities and a  
23 prohibition from being present on school grounds.

24 (Source: P.A. 89-371, eff. 1-1-96; 89-507, eff. 7-1-97;  
25 89-610, eff. 8-6-96; P.A. 90-14, eff. 7-1-97; 90-548, eff.  
26 1-1-98; 90-757, eff. 8-14-98.)

27 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

28 Sec. 34-19. By-laws, rules and regulations; business  
29 transacted at regular meetings; voting; records. The board  
30 shall, subject to the limitations in this Article, establish  
31 by-laws, rules and regulations, which shall have the force of  
32 ordinances, for the proper maintenance of a uniform system of  
33 discipline for both employees and pupils, and for the entire

1 management of the schools, and may fix the school age of  
2 pupils, the minimum of which in kindergartens shall not be  
3 under 4 years and in grade schools shall not be under 6  
4 years. It may expel, suspend or, subject to the limitations  
5 of all policies established or adopted under Section 14-8.05,  
6 otherwise discipline any pupil found guilty of gross  
7 disobedience, misconduct or other violation of the by-laws,  
8 rules and regulations. A pupil may be expelled for up to one  
9 year if he or she commits any of the following offenses on  
10 school property, at a school-sponsored activity or event, or  
11 at an activity or event that bears a reasonable relationship  
12 to school:

13 (1) Intimidation under Section 12-6 of the Criminal  
14 Code of 1961.

15 (2) Aggravated intimidation under Section 12-6.2 of  
16 the Criminal Code of 1961.

17 (3) Aggravated battery under Section 12-4 of the  
18 Criminal Code of 1961.

19 (4) Criminal sexual assault under Section 12-13 of  
20 the Criminal Code of 1961.

21 (5) Aggravated criminal sexual assault under  
22 Section 12-14 of the Criminal Code of 1961.

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24 under Section 12-14.1 of the Criminal Code of 1961.

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26 the Criminal Code of 1961.

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30 property, under Section 16-1 of the Criminal Code of  
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33 Code of 1961.

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1 of 1961.

2 (12) Aggravated arson under Section 20-1.1 of the  
3 Criminal Code of 1961.

4 (13) Possession of explosives or explosive or  
5 incendiary devices under Section 20-2 of the Criminal  
6 Code of 1961.

7 (14) Criminal defacement of property under Section  
8 21-1.3 of the Criminal Code of 1961 if damage to the  
9 property exceeds \$5,000.

10 (15) Criminal damage to government supported  
11 property under Section 21-4 of the Criminal Code of 1961  
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13 (16) Unlawful delivery, use, or consumption of  
14 cannabis listed in the Cannabis Control Act, a controlled  
15 substance listed in the Illinois Controlled Substances  
16 Act, or an intoxicating compound listed in the Use of  
17 Intoxicating Compounds Act.

18 (17) Any offense specified under the Fireworks Use  
19 Act.

20 The bylaws, rules and regulations of the board shall be  
21 enacted, money shall be appropriated or expended, salaries  
22 shall be fixed or changed, and textbooks and courses of  
23 instruction shall be adopted or changed only at the regular  
24 meetings of the board and by a vote of a majority of the full  
25 membership of the board; provided that notwithstanding any  
26 other provision of this Article or the School Code, neither  
27 the board or any local school council may purchase any  
28 textbook for use in any public school of the district from  
29 any textbook publisher that fails to furnish any computer  
30 diskettes as required under Section 28-21. The board shall be  
31 further encouraged to provide opportunities for public  
32 hearing and testimony before the adoption of bylaws, rules  
33 and regulations. Upon all propositions requiring for their  
34 adoption at least a majority of all the members of the board

1 the yeas and nays shall be taken and reported. The by-laws,  
2 rules and regulations of the board shall not be repealed,  
3 amended or added to, except by a vote of 2/3 of the full  
4 membership of the board. The board shall keep a record of all  
5 its proceedings. Such records and all by-laws, rules and  
6 regulations, or parts thereof, may be proved by a copy  
7 thereof certified to be such by the secretary of the board,  
8 but if they are printed in book or pamphlet form which are  
9 purported to be published by authority of the board they need  
10 not be otherwise published and the book or pamphlet shall be  
11 received as evidence, without further proof, of the records,  
12 by-laws, rules and regulations, or any part thereof, as of  
13 the dates thereof as shown in such book or pamphlet, in all  
14 courts and places where judicial proceedings are had.

15 Notwithstanding any other provision in this Article or in  
16 the School Code, the board may delegate to the general  
17 superintendent or to the attorney the authorities granted to  
18 the board in the School Code, provided such delegation and  
19 appropriate oversight procedures are made pursuant to board  
20 by-laws, rules and regulations, adopted as herein provided,  
21 except that the board may not delegate its authorities and  
22 responsibilities regarding (1) budget approval obligations;  
23 (2) rule-making functions; (3) desegregation obligations; (4)  
24 real estate acquisition, sale or lease in excess of 10 years  
25 as provided in Section 34-21; (5) the levy of taxes; or (6)  
26 any mandates imposed upon the board by "An Act in relation to  
27 school reform in cities over 500,000, amending Acts herein  
28 named", approved December 12, 1988 (P.A. 85-1418).

29 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

30 Section 99. Effective date. This Act takes effect on  
31 July 1, 2001.